

PUBLIC NOTICE

**US Army Corps
of Engineers®**

APPLICATION FOR PERMIT

LOS ANGELES DISTRICT

Public Notice/Application No.: 200300988-AJS

Comment Period: November 27, 2003 through December 27, 2003

Project Manager: Antal Szijj (805) 585-2147 antal.j.szijj@usace.army.mil

Applicant

Wayne Finley
Simi Valley Towncenter, LLC
9191 Towne Centre Drive, Suite 540
San Diego, CA 92122

Contact

Glenn Lukos Associates, Inc.
Attn: Thienan Ly
29 Orchard
Lake Forest, CA 92630-8300

Location

The proposed project is located within an unnamed tributary to the Arroyo Simi in the City of Simi Valley, Ventura County, California as depicted on exhibits 1 and 2 (at: lat:34-17-3.8400 lon:118-45-53.1000, lat:34-16-48.7920 lon:118-46-8.2560).

Activity

The proposed project involves construction of the Simi Valley Town Center, a mixed-use commercial and residential development on 129 acres (see attached drawings). The project would impact approximately 1.29 acres of waters of the United States, none of which consists of wetlands. For more information see page 3 of this notice.

Interested parties are hereby notified that an application has been received for a Department of the Army permit for the activity described herein and shown on the attached drawing(s). Interested parties are invited to provide their views on the proposed work, which will become a part of the record and will be considered in the decision. This permit will be issued or denied under Section 404 of the Clean Water Act of 1972 (33 U.S.C. 1344). Comments should be mailed to:

U.S. Army Corps of Engineers, Los Angeles District
Regulatory Branch - Ventura Field Office
ATTN: CESPL-CO--200300988-AJS
2151 Alessandro Drive, Suite 255
Ventura, California 93001

Alternatively, comments can be sent electronically to: antal.j.szijj@usace.army.mil

Evaluation Factors

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof. Factors that will be considered include conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production and, in general, the needs and welfare of the people. In addition, if the proposal would discharge dredged or fill material, the evaluation of the activity will include application of the EPA Guidelines (40 CFR 230) as required by Section 404 (b)(1) of the Clean Water Act.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Preliminary Review of Selected Factors

EIS Determination- A preliminary determination has been made that an environmental impact statement is not required for the proposed work.

Water Quality- The applicant is required to obtain water quality certification, under Section 401 of the Clean Water Act, from the California Regional Water Quality Control Board. Section 401 requires that any applicant for an individual Section 404 permit provide proof of water quality certification to the Corps of Engineers prior to permit issuance. For any proposed activity on Tribal land that is subject to Section 404 jurisdiction, the applicant will be required to obtain water quality certification from the U.S. Environmental Protection Agency.

Coastal Zone Management- For those projects in or affecting the coastal zone, the Federal Coastal Zone Management Act requires that prior to issuing the Corps authorization for the project, the applicant must obtain concurrence from the California Coastal Commission that the project is consistent with the State's Coastal Zone Management Plan. This project is located outside the coastal zone and preliminary review indicates that it will not affect coastal zone resources. A final determination of whether this project affects coastal zone resources will be made by the Corps, in consultation with the California Coastal Commission, after review of the comments received on this Public Notice.

Cultural Resources- The latest version of the National Register of Historic Places has been consulted and this site is not listed. This review constitutes the extent of cultural resources investigations by the District Engineer, and he is otherwise unaware of the presence of such resources.

Endangered Species- Preliminary determinations indicate that the proposed activity would not affect federally-listed endangered or threatened species, or their critical habitat. Protocol surveys conducted onsite indicate that the project site does not support the federally listed threatened coastal California gnatcatcher

(*Polioptila californica californica*). No federally listed threatened or endangered species have been identified on the Project site. Therefore, formal consultation under Section 7 of the Endangered Species Act does not appear to be required at this time.

Public Hearing- Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearing shall state with particularity the reasons for holding a public hearing.

Proposed Activity for Which a Permit is Required

The proposed activity is the discharge of fill material into approximately 1.29 acres of non-wetland waters of the United States, incidental to implementation of the Simi Valley Town Center project. This includes placement of the existing drainage course into an underground storm drain.

Additional Project Information

Existing Conditions- The Simi Valley Town Center project site is primarily undeveloped, consisting largely of rolling terrain in the foothills of the Santa Susana Mountains. The site contains two valleys separated by a rounded hill located near the center of the site, ranging in elevation from 880 feet to 1,084 feet above mean sea level. Much of the site shows evidence of terracing and earth movement associated with previous agricultural activity.

Adjacent to the northern site boundary is an area of open space used primarily for cattle grazing. Non-Native Annual Grassland and Coastal Sage Scrub dominate these gently to moderately sloping hills.

The project site contains a total of 1.29 acres of non-wetland waters of the United States within a single ephemeral drainage channel, referred to as Drainage A. Within the site boundaries, Drainage A occurs as a broad, sandy wash, ranging from 64 feet wide at the widest point to three feet wide where the drainage exits a detention basin outfall located immediately north of the project site and enters a narrow, incised channel. In the upper part, the drainage is incised approximately two to three feet deep. Older stream-cut terraces occur adjacent to the active channel in places and are stabilized by mature valley oaks (*Quercus lobata*, UPL) and California buckwheat (*Eriogonum fasciculatum*, UPL). In the lower part, the drainage is no longer incised and is bounded by the adjacent upland slope. Sparse mule fat (*Baccharis salicifolia*, FACW) occurs on the banks of the drainage in places and becomes more dense along the channel margins in the lower part. The active channel is unvegetated and the drainage is bounded by upland vegetation including California buckwheat, common deerweed (*Lotus scoparius*, UPL), our Lord's candle (*Yucca whipplei*, UPL), telegraphweed (*Heterotheca grandiflora*, UPL), scalebroom (*Lepidospartum squamatum*, UPL), everlasting cudweed (*Gnaphalium luteoalbum*, UPL), California sagebrush (*Artemisia californica*, UPL), coyote brush (*Baccharis pilularis*, UPL), white sage (*Salvia apiana*, UPL), giant wild rye (*Leymus cinereus*, UPL), bladderpod (*Isomeris arborea*, UPL), and needlegrass (*Stipa* sp., UPL). Exhibit 4 depicts the extent of waters of the United States within the Project site. South of the project site, the drainage channel is conveyed under the 118 Freeway via a five-foot-high by ten-foot-wide concrete box culvert and thence to a concrete-lined flood control channel.

Proposed Project- The proposed project consists of a mix of commercial and residential uses on the 129-acre Project site. The project includes the following components: 1) a Mall District located on 50.0 acres in the south-central part of the site consisting of a regional outdoor mall; 2) an Ancillary District on approximately 17 acres in the northwestern portion of the site consisting of up to 200,000 square feet of retail development space; 3) a Town and Country District on approximately 17 acres adjacent to and south of the Ancillary District consisting of retail and office uses that would complement the mall area; 4) a Residential District on approximately 23 acres in the north-central part of the site consisting of a maximum of 500 multi-family housing units; and 5) a Gateway District on approximately 8.3 acres in the southeastern portion of the site consisting of the existing Oakridge Athletic Club

and up to 45,000 square feet of new retail and commercial office space [Exhibit 3].

Proposed Mitigation- The applicant has proposed to mitigate for impacts to 1.29 acres of waters of the United States, through an in-lieu fee payment for purchase of 3.87 acres of riparian habitat with the Santa Monica Mountains Conservancy.

Purpose and Need- The overall purpose of the proposed project is the development of a mixed-use community consisting of regional retail and employment opportunities as well as residential development in the City of Simi Valley. The proposed development would meet the need for tax revenue-generating commercial uses as well as additional housing units within the City of Simi Valley. The basic project purpose is commercial development, which is not water dependent.

Alternatives Considered- The applicant has conducted a preliminary alternatives analysis pursuant to the Section 404(b)(1) Guidelines published at 40 CFR Part 230 that evaluates four onsite alternatives, including the proposed action, and one offsite alternative. This preliminary alternatives analysis is provided for the purpose of soliciting comments and does not represent the Corps' final determination of its adequacy. The onsite alternatives include two "no action" alternatives, one "reduced impact" alternative, and the Applicant's Preferred Alternative. In addition, the applicant has conducted an extensive review of lands within and surrounding the City of Simi Valley, one of which is discussed as an "offsite alternative", and has concluded that no feasible alternative sites are available which could be developed in a manner consistent with the proposed project. This conclusion is based on the lack of land in south Ventura County, which is not currently being developed or has not already been developed and which meets the specific size, location, visibility, and zoning requirements of the proposed project.

The no action alternatives would avoid all impacts to waters of the United States and would not require authorization from the Department of the Army.

No Action Alternatives: The Applicant has considered two no action alternatives, both of which would implement a mixed-use development on the site while avoiding impacts to waters of the United States. The first of these (No Action Alternative One) features a single-level Mall with two double-level department stores [Exhibit 5]. The second alternative (No Action Alternative Two) features a double-level Mall with two double-level department stores [Exhibit 6].

Both of these no action alternatives would require construction of three span bridges on site to avoid the ephemeral drainage and would result in the loss of 400 parking spaces as well as three residential units. The construction of three span bridges to avoid impacts to 1.29 acres of waters of the United States would add approximately \$828,750.00 to the project.

No Action Alternative One would result in a reduction in the size of the Mall by approximately 150,000 square feet and would reduce the number of units available in the mall by approximately 24 percent, while forcing one of the retail areas to be relocated onto the eastern side of the drainage. The separation between retail area and the main commercial Mall would result in fragmentation of stores and the loss of "one stop shopping," which is crucial to the Mall operating as a regional center.

No Action Alternative Two would require construction of a parking structure and footbridge to access the second floor of the mall. A 400-vehicle parking structure would cost approximately \$3.4 million and would increase the cost of the project by approximately \$2.9 million over the \$500,000 cost of an at-grade parking lot. In addition to the cost of the structure, construction of the deck would add an additional 2.9 million along with ongoing costs associated with required lighting and maintenance.

While these alternatives would eliminate all impacts to waters of the United States, they would increase the total

hard development costs by between \$828,750 and \$6,628,750. These costs would have to be recovered on a project with fewer residential housing units and fewer mall units. Avoidance of the single on-site drainage would result in a Project design that splits retail areas and removes direct access to one of the “anchoring” department stores. This configuration would make the mall less attractive to retailers and customers alike and would render the mall financially unviable. As such, the no action alternatives are not practicable and do not meet the Project purpose and need.

Reduced Impact Alternative: The Applicant has considered one reduced impact alternative implementing a mixed-use development on the site while reducing impacts to waters of the United States. This alternative avoids impacts to the upper half of Drainage A and features a single-level mall with one two-level department store. The eastern Department Store, Department Store “A”, would be shifted to the west with this alternative in order to avoid impacts to this section of the ephemeral drainage [Exhibit 7]. Implementation of this alternative would result in the loss of 170 parking spaces, 106,000 square feet of retail space and three residential buildings consisting of approximately 100-120 individual residential units. Two retail buildings totaling 44,000 square feet were added to the eastern side of Drainage A; however, due to the lack of connectivity both retail buildings will have with the main Mall unit, the buildings will be extremely difficult to lease. Total loss of mall and retail space with this alternative is 150,000 square feet. Avoidance of the upper reach of the ephemeral drainage would require the Applicant to construct one span bridges near the upper reach. The construction of the span bridge would add total hard development costs by approximately \$276,250 to the loss of mall revenue.

Due to the hard costs associated with the span bridge and loss of mall revenue, this alternative is not practicable and does not meet the Project purpose and need. No further consideration has been given to this alternative.

The Applicant’s Preferred Alternative: The Preferred Alternative proposes impacts to 1.29 acres of waters of the United States, none of which consists of wetlands. This alternative provides for 1) a Mall District located on 50.0 acres in the south-central part of the site consisting of a regional outdoor mall; 2) an Ancillary District on approximately 17 acres in the northwestern portion of the site consisting of up to 200,000 square feet of retail development space; 3) a Town and Country District on approximately 17 acres adjacent to and south of the Ancillary District consisting of retail and office uses that would complement the mall area; 4) a Residential District on approximately 23 acres in the north-central part of the site consisting of a maximum of 500 multi-family housing units; and 5) a Gateway District on approximately 8.3 acres in the southeastern portion of the site consisting of the existing Oakridge Athletic Club and up to 45,000 square feet of new retail and commercial office space. Stormwater control for the project would be accomplished through an underground storm drain system and by construction of at least four onsite detention basins [Exhibit 3].

Offsite Alternative: The City of Simi Valley conducted a study of a 70-acre site at the southeast corner of Los Angeles Avenue and Medera Road. The site lacked three crucial components for a regional facility shopping center: 1) it did not meet the minimum acreage criteria of 100 acres, 2) it lacked direct access from the 118 freeway, and 3) it lacked visibility from the 118 freeway. Due to these restrictions, this alternative was deemed impracticable and as such, no further consideration has been given to this alternative.

The City also conducted an extensive review of lands within and surrounding the City of Simi Valley, and has concluded that no feasible alternative sites are available which could be developed in a manner consistent with the proposed project. This conclusion is based on the lack of land in south Ventura County, which is not currently being developed or has not already been developed and which meets the specific size, location, and zoning requirements of the proposed project.

Over the past 25 years, land use decisions in Ventura County have been governed by a document referred to as the “Guidelines for Orderly Development”. This policy document in effect states that all residential development in the county should take place within the cities. The County believes that cities are best suited to provide the municipal services required of residential areas. For residential development of County land to


occur, properties must be annexed into a city as part of any rezoning effort. Recently a number of voter initiatives have been approved in the county, which effectively set aside all county agricultural or open space land from consideration for future development until the year 2030, requiring that any land use change be approved by voter initiative.

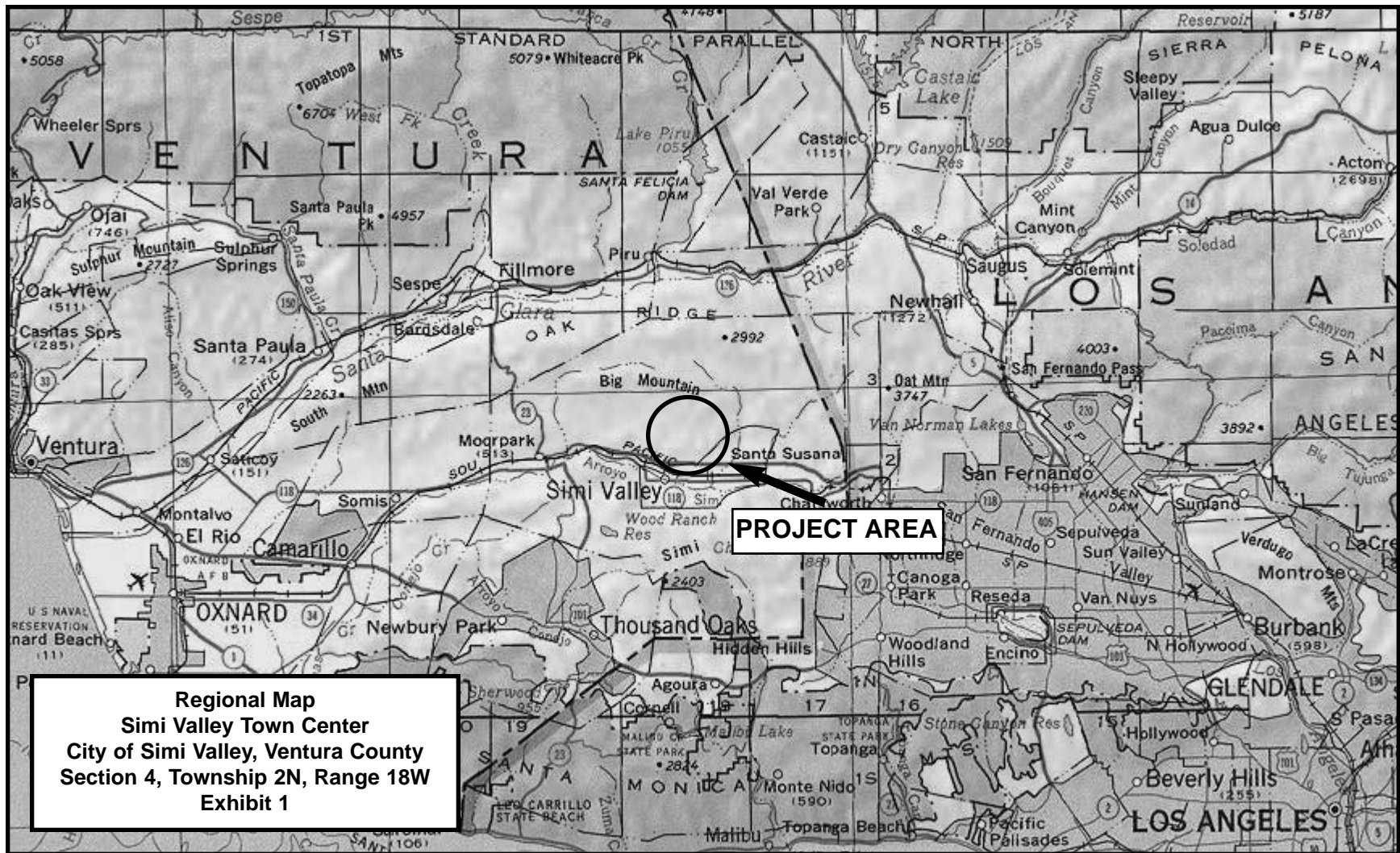
Moreover, the proposed mixed-use development is centered on construction of a mall specifically designed to meet the needs of the City of Simi Valley. Since development is restricted to the City of Simi Valley and the City is largely built out, the number of properties available for consideration has been greatly diminished. Further constraints on the availability of developable land in the area include geotechnical limitations such as topography and the presence of earthquake fault zones, as well as the designation of open space areas as greenbelts or national forest land.

The City of Simi Valley has investigated the availability of all properties within and surrounding City boundaries, which would be feasible development sites. All properties were found to be either owned by or under contract with major builders, and are slated for commercial or residential development. In addition, sites that would be located eight to ten miles to the east or west of the Proposed Project site have the problem of placing them within overlapping trade areas with existing regional centers such as The Oaks Mall and Tapanga Mall. Given these constraints, the applicant has not been able to identify a suitable project site of similar acreage in the southern Ventura County area, which would meet the purpose and need of the Project.

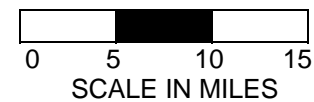
Proposed Special Conditions

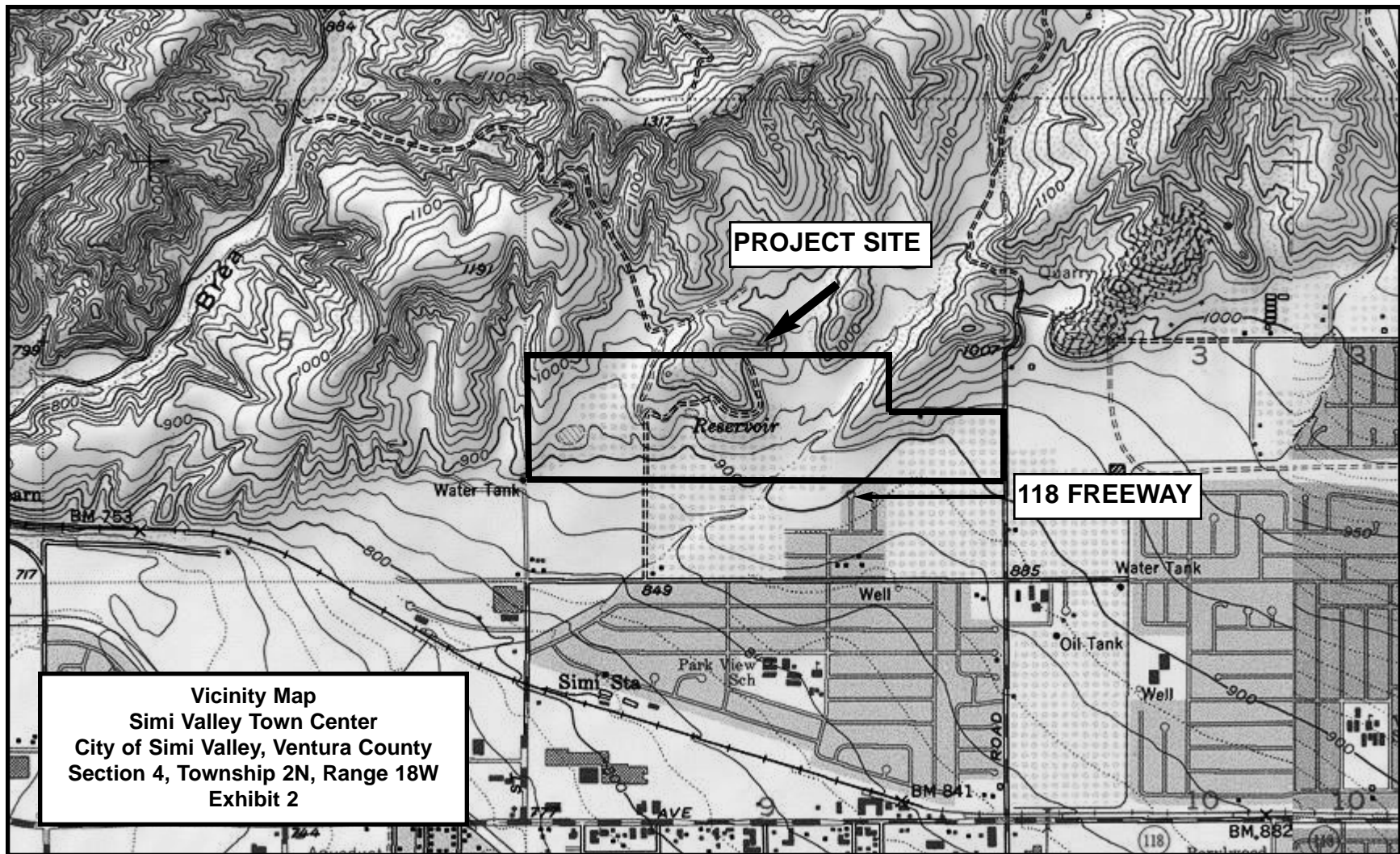
None proposed at this time.

For additional information please call Antal Szijj of my staff at (805) 585-2147. This public notice is issued by the Chief, Regulatory ch.

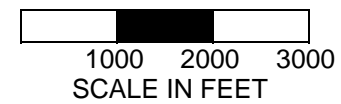


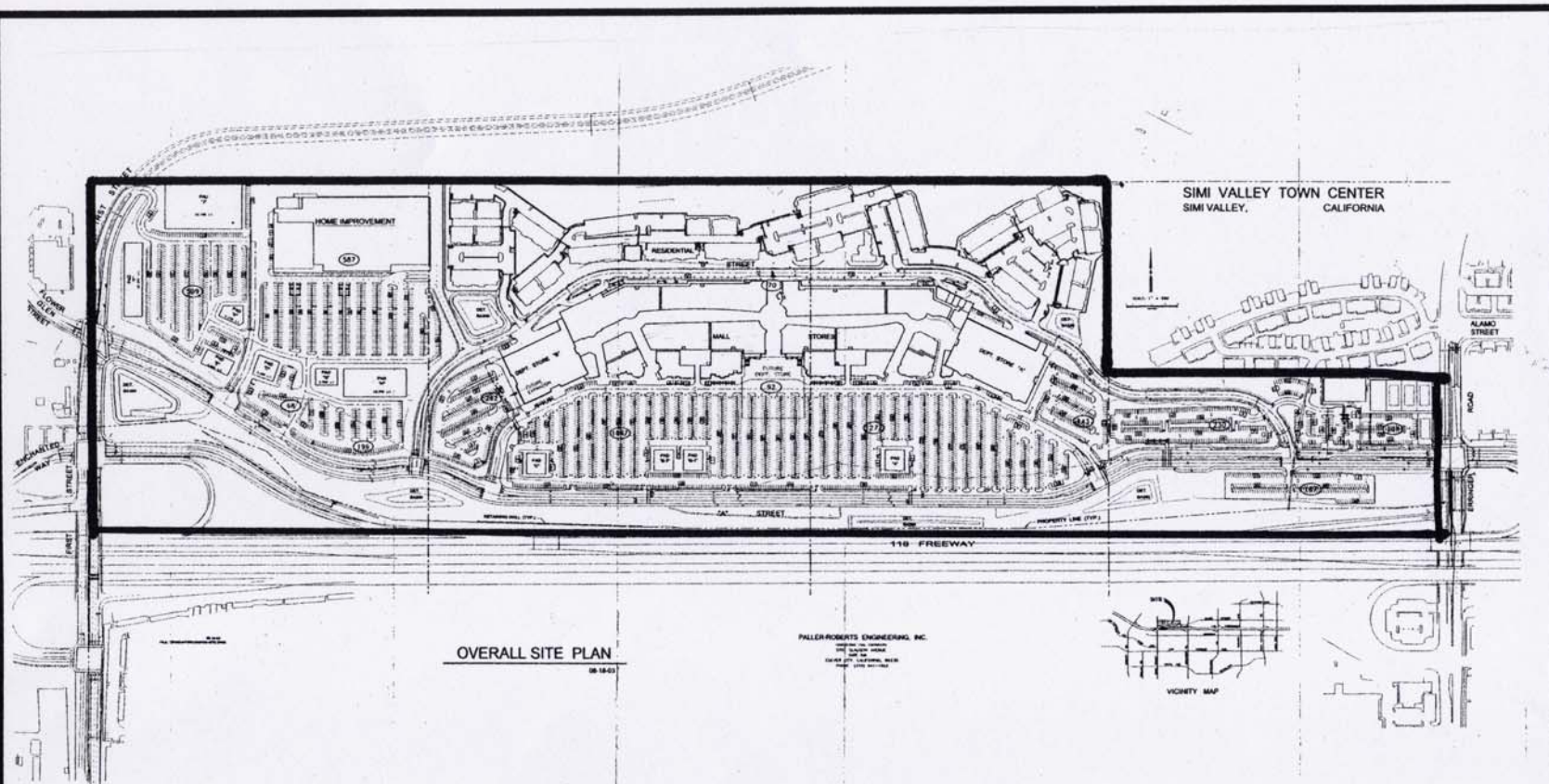
Adapted from TOPOIGPS





Adapted from USGS Simi Quadrangle





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 CONSULTING CIVIL ENGINEERS
 5701 SLAUSON AVENUE, SUITE 208
 CULVER CITY, CALIFORNIA 90230 • PHONE (310) 641-1853

Applicant's Preferred Alternative
 Simi Valley Town Center
 City of Simi Valley, Ventura County
 August 18, 2003
 Exhibit 3

LEGEND



Areas Within Corps and CDFG Jurisdiction (The number indicates the width of the CHWM / streambed. When followed by an "R" the number indicates the width of riparian vegetation subject to CDFG jurisdiction.)



Non-Jurisdictional Feature

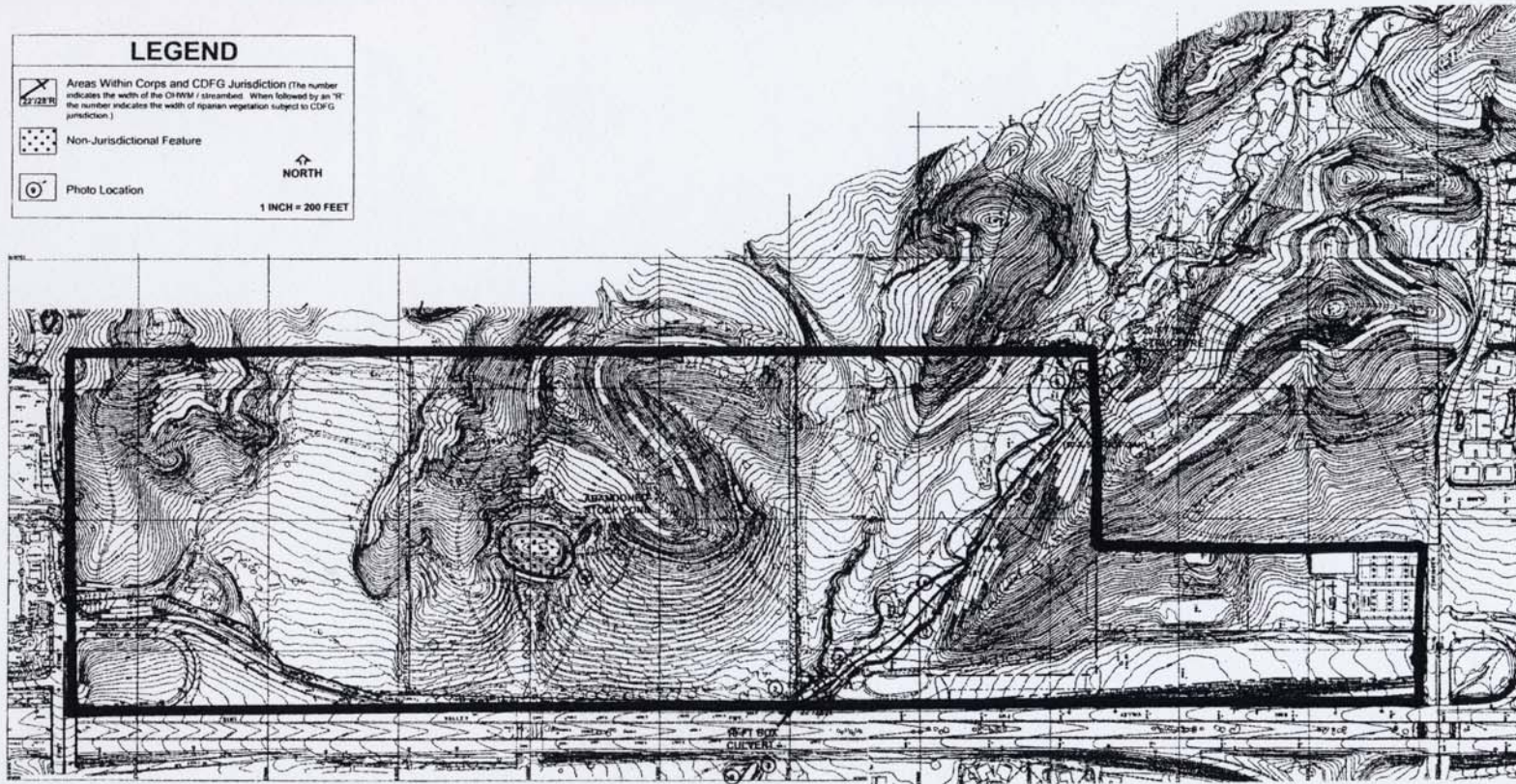


Photo Location



NORTH

1 INCH = 200 FEET

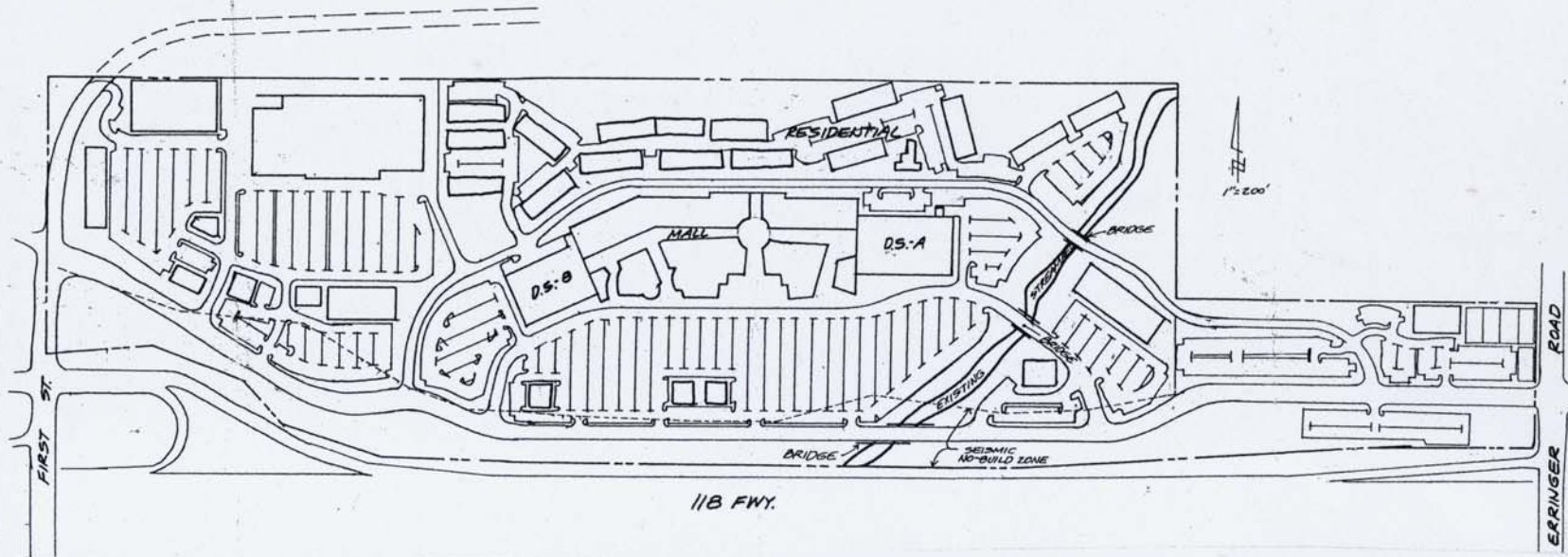


Delineation Map
Simi Valley Town Center
City of Simi Valley, Ventura County
May 8, 2003
Exhibit 4

GLENN LUKOS ASSOCIATES

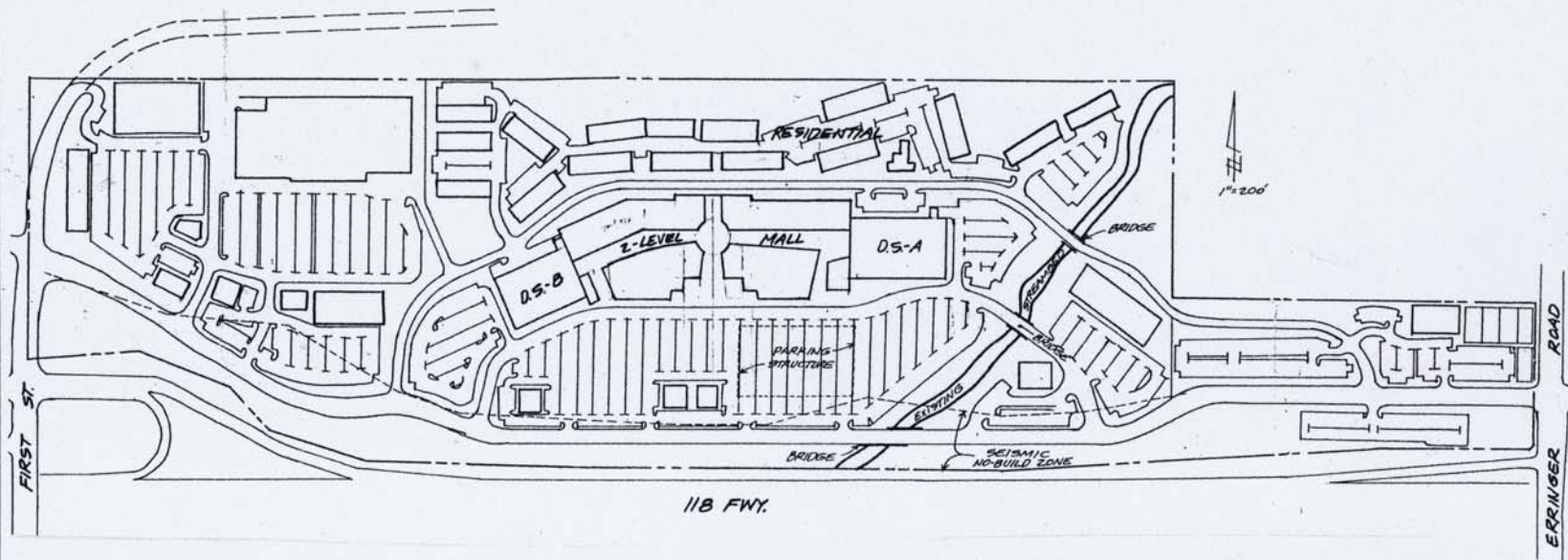
Regulatory Services





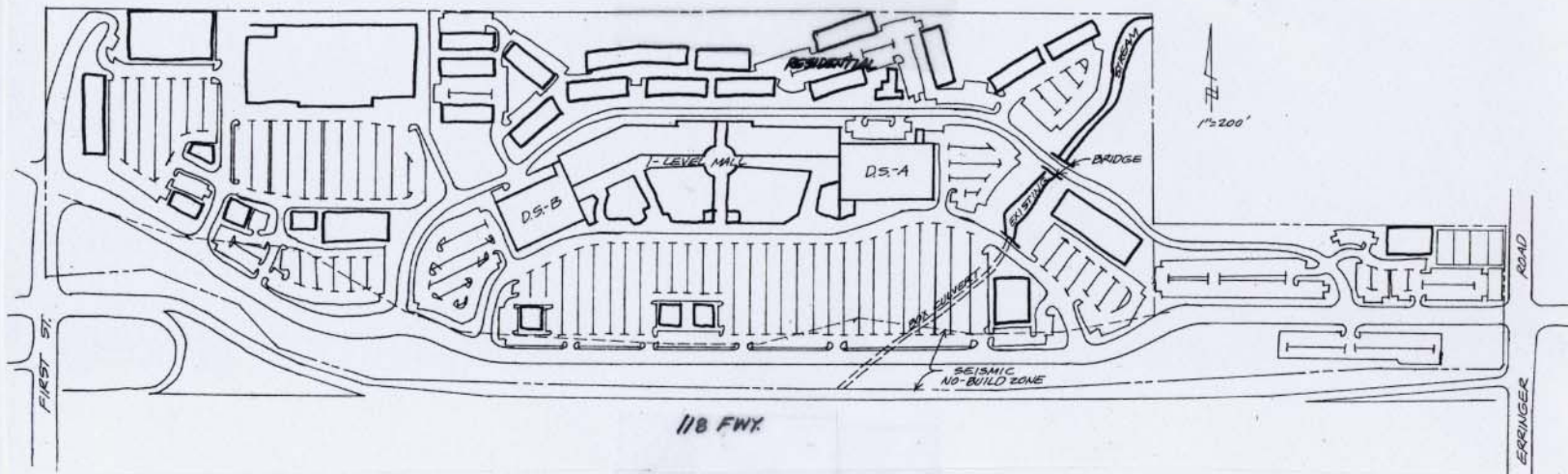
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No Action Alternative One
Simi Valley Town Center
City of Simi Valley, Ventura County
July 31, 2003
Exhibit 5



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No Action Alternative Two
 Simi Valley Town Center
 City of Simi Valley, Ventura County
 July 31, 2003
 Exhibit 6



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Reduced Impact Alternative
 Simi Valley Town Center
 City of Simi Valley, Ventura County
 October 31, 2003
 Exhibit 7